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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,948	05/07/2002	Robin James Price	ARD100USA	2675

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EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT	PAPER NUMBER
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3728

8

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

66

Office Action Summary	Application No. 10/030,948	Applicant(s) Price et al.	
	Examiner	Art Unit	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____ |

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Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the integral flange means that is remote from the resiliently moveable flange means and disc holder must be shown or the feature canceled from claims 1-2 and 7. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, and 37 C.F.R.

1.71(a) and (b) as failing to provide an adequate written description of the invention, and failing to adequately teach how to make and/or use the invention. The specification does not distinguish between a flange means and a resiliently moveable flange means. In fact, the specification describes a recess with a web portion situated on top and bottom portions of a frame member and two flange members on the left and right side portions. There is no disclosure of a flanges means that is remote and generally opposite from the resilient moveable flange means. Clarification is required and no matter is permitted.

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3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification.
4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The disclosure does not specify an integral flange means that is generally opposite to an integral resilient moveable flange means in claim 1. Also, the frame member is squared shaped so it is not possible to circumferentially surround a disc. The term "planar movement" on line 4-5 of claim 1 has no clear meaning. It is unclear if applicant is claiming the horizontal movement or the vertical movement. In claim 3, it is not clear if the resilient flange means is the flange means or the resilient moveable flange means. Claim 5 is inaccurate due to the phrase "a disc holder as claimed in any one of the preceding claims" because the previous claims 3-4 are multiple dependent claims and claim 5 cannot depend from another multiple dependent claim. Claim 8 is indefinite because any references to figures in the drawings are improper and applicant has not claimed any additional limitations.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oland (US 5,704,474). Oland discloses a flange means (the element 33,34,36,37,40) on the left hand

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portion of the disc carrier and a resiliently moveable flange means (the elements 33,34,36,37,40) on the right portion of the disc carrier. The resiliently moveable flange means comprises a slot to allow each flange to be pushed outwardly relative to the orientation of a disc.

7. Claims 1-4, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Koehn (US 5,732,818). Koehn discloses a flange means 84 and a resiliently moveable flange means (another element 84). The resiliently moveable flange means comprises a slot 88 to allow each flange to be pushed outwardly relative to the orientation of a disc.

8. Claims 1, 3, 4-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun, III et al (US 5,788,069). Koehn discloses a flange means, which includes the protruded area between points 21,22, and a resiliently moveable flange means 24,26. The resiliently moveable flange means comprises a slot 26 to allow each flange to be pushed outwardly relative to the orientation of a disc. The frame member is attached to a base and the base is hinged to a cover 12.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun, III et al (US 5,788,069) in view of Long et al. (US 5,246,107). Calhoun, III et al. does not disclose a latch mechanism. But Long et al. shows a compact disc storage unit with a latch mechanism

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36,38 to allow the front cover to be closed by a snap-fit and released in the same manner. Hence, it would have been obvious in view of Long et al. to provide the latch mechanism to secure the disk within the carrier.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun, III et al (US 5,788,069) in view of Official Notice. It would have been obvious to place the disc carrier of Calhoun, III et al. in a sleeve to protect the disc carrier from dust or scratch.

Conclusion

12. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The **Group clerical receptionist number is (703) 308-1148** or the **Tech Center 3700 Customer Service Center number is (703) 306-5648**.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Donna Monroe at (703) 308-2209.

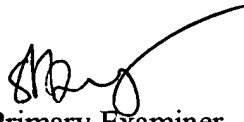
For applicant's convenience, the Group Technological Center FAX number is (703) 872-9302 and for After Final Amendment the number is (703) 872-9303. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

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Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039. The examiner can normally be reached on T-F from 7:00am to 4:00pm EST.

STL
May 16, 2003



Primary Examiner
Shian Luong
Art Unit 3728